

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

United States of America

Plaintiff

Case No.:11-20129

v

Hon.: ROBERT H. CLELAND

D-4 PATRICK MICHAEL MCKEOUN  
Defendant.

/

**NOTICE OF HEARING**

TO: AUSA Saima Mohsin  
AUSA Eric M. Straus  
Assistant U.S. Attorneys  
211 W. Fort St., Ste. 2001  
Detroit, MI 48226

**PLEASE TAKE NOTICE** that the Defendant's attached Motion shall be heard on a date and time set by the Case Manager for Judge Robert H. Cleland.

Respectfully submitted,

By: /s/ Sidney Kraizman, Esq.  
Sidney Kraizman P16199)  
Attorney for Defendant  
615 Griswold, 1616 Ford Building  
Detroit, Michigan 48226  
(313) 961-7078  
sidkraizman@sbcglobal.net

DATED: April 9, 2012

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
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Plaintiff

v

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Hon.: ROBERT H. CLELAND

D-4 PATRICK MICHAEL MCKEOUN  
Defendant.

/

**MOTION AND COMBINED BRIEF TO EXTEND THE TIME FOR FILING MOTIONS**

NOW COMES the Defendant Patrick Michael McKeoun, by and through his attorney Sidney Kraizman, and hereby moves this Honorable Court for an order for an order to extend the time for filing motions for the reasons that:

1. The defendant Patrick Michael McKeoun is charged in the Second Superseding Indictment with: Conspiracy to Manufacture more than 5 grams of Methamphetamine, in violation of 21 U.S.C. §841(a) (1) and 846 (Count 1); Manufacture of more than 5 grams of Methamphetamines, Aiding and Abetting, in violation of 21 U.S.C. §841(a) (1), (b)(1)(B), and 18 U.S.C. § 2 (Count 4); and Endangering Human Life While Illegally Manufacturing Methamphetamines, Aiding and Abetting, in violation of 21 U.S.C. § 858, (a) (1), and 18 U.S.C. § 2 (Count 6)

2. The Defendant was arraigned on this Indictment on Thursday, March 22, 2012.

3. After the arraignment on the Indictment, the 10 day time period under Administrative Order No. 03-AO-027, for the Government to hold the discovery conference with defense counsel or to provide the Discovery Notice and to provide Discovery under the Standing Order for Discovery, expired on April 2, 2012.

4. Present counsel Sidney Kraizman requested discovery verbally on March 20 by leaving voice mail messages for the Assistant United States Attorneys (AUSA) in this case, by letters sent through the U.S. mail on March 26 and April 6, 2012 to AUSA Saima Mohsin and AUSA Eric M. Straus, and by a telephone conversation with AUSA Straus on April 9, 2012.

5. However, to date, defense counsel Sidney Kraizman has only received a small portion of the discovery in this case, namely the : report of the verbal statement of Defendant McKeoun and a print out of the criminal record of Mr. McKeoun. AUSA Straus on April 9, 2012 did state that the Government would provide discovery.

6. Although present counsel Sidney Kraizman requested the discovery conference, the Government has not held a conference with present counsel nor filed the Discovery Notice required by the Standing Order of Discovery nor provided the Discovery required by the Standing Order of Discovery, Rule 16 of the Federal Rules of Criminal Procedure, and *Brady v Maryland*, 373 U.S. 83 (1983).

7. The 20 day time period (under the Standing Order for Discovery and Fixing Motion Cutoff Date in Criminal Cases) from the Arraignment on the Indictment for filing Motions will expire on Wednesday April 11, 2012.

8. On April 9, 2012, present counsel talked on the telephone to AUSA Straus and asked that he concur in a motion to extend the time for filing motions until a date after receipt of discovery by defense counsel. AUSA Straus agreed to that.

9. The defendant requests an order extending the time for filing motions to a fixed date that is a reasonable time period after his receipt of the discovery and *Brady* materials from the Government.

10. This is necessary in order for present counsel to determine whether there is an issue as to whether there has been a violation of the defendant's constitutional right against unreasonable searches and seizures and his right against self incrimination. Additionally, it is necessary for defense counsel to receive the anticipated large discovery package from the Government and go through it in order to determine whether additional discovery and Brady Materials should be sought from the Government.

11. The defendant cites the Standing Order for Discovery and Inspection that requires that within ten (10) days from the date of the arraignment on the Indictment, that the Government meet with defense counsel and confer or that the Government counsel file discovery notice. That did not occur.

12. Nor has the Government provided discovery under the Standing Order for Discovery nor Rule 16 of the Federal Rules of Criminal Procedure nor under *Brady v Maryland*, 373 U.S. 83 (1983) and *United States v Agurs*, 427 U.S. 97 (1976).

WHEREFORE, the defendant Patrick Michael McKeoun, by and through his attorney, Sidney Kraizman, respectfully requests that this Honorable Court issue an Order extending the time for filing motions in this case for a fixed date that is a reasonable time after the date that the Government provides present counsel with discovery under the Standing Order for Discovery and Rule 16 and under *Brady v Maryland, supra.*

Respectfully submitted,  
/s/ Sidney Kraizman, Esq.  
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Sidney Kraizman (P16199)  
Attorney for Defendant  
615 Griswold, 1616 Ford Building  
Detroit, Michigan 48226  
(313) 961-7078  
sidkraizman@sbcglobal.net

Dated: April 9, 2012

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2012, I electronically filed the foregoing papers with the Clerk of the Court using the ECF system, which will send notification of such filing to defense counsel and the following:

Saima Mohsin  
Assistant U.S. Attorney  
211 W. Fort St., Ste. 2100  
Detroit, Michigan 48226

Eric M. Straus  
Assistant U.S. Attorney  
211 W. Fort St., Ste. 2100  
Detroit, Michigan 48226

this date: April 9, 2012.

/s/ Sidney Kraizman, Esq.  
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Signature